

\*\*E-filed 5/2/08\*\*

1 JOHN B. SULLIVAN (State Bar No. 96742)  
2 JAN T. CHILTON (State Bar No. 47582)  
3 RHONDA L. NELSON (State Bar No. 116043)  
4 SEVERSON & WERSON  
5 A Professional Corporation  
6 One Embarcadero Center, Suite 2600  
San Francisco, CA 94111  
Telephone: (415) 398-3344  
Facsimile: (415) 956-0439  
[jbs@severson.com](mailto:jbs@severson.com)  
[jtc@severson.com](mailto:jtc@severson.com)  
[rln@severson.com](mailto:rln@severson.com)

7 JOHN R. SHUMAN, JR. (State Bar No. 100236)  
8 DLA PIPER US LLP  
9 2000 University Avenue  
10 East Palo Alto, California 94303  
Telephone: (650) 833-2000  
Facsimile: (650) 833-2001  
bob.shuman@dlapiper.com

11 LUANNE SACKS (State Bar No. 120811)  
12 DLA PIPER US LLP  
13 153 Townsend Street, Suite 800  
14 San Francisco, California 94107  
Telephone: (415) 836-2500  
Facsimile: (415) 836-2501  
luanne.sacks@dlapiper.com

15 Attorneys for Defendant  
16 Kyphon Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

21 SAFRONIA DODD-OWENS, et al., etc.,  
22 Plaintiffs,  
23 v.  
24 KYPHON INC.,  
25 Defendant

CASE NO. CV 06-03988-JF

**STIPULATION AND [PROPOSED] ORDER  
CONTINUING DATE OF CASE  
MANAGEMENT CONFERENCE**

Complaint Date: June 27, 2006  
Trial Date: None Assigned

111

## **STIPULATION**

WHEREAS, the next case management conference in this matter has been scheduled for June 13, 2008, pursuant to Judge Fogel's March 14, 2008 Case Management Conference Civil Minutes;

WHEREAS, at the March 14, 2008 Case Management Conference, the parties notified Judge Fogel that there was a dispute over the permissible scope of discovery in this action;

WHEREAS, at the March 14, 2008 Case Management Conference, Judge Fogel referred the parties' discovery dispute to Magistrate Judge Lloyd and ordered Defendant Kyphon Inc. ("Kyphon") to move for a protective order;

WHEREAS, Magistrate Judge Lloyd will hear Kyphon's motion for a protective order on June 17, 2008;

WHEREAS, the parties' discovery dispute will not be resolved prior to the next Case Management Conference on June 13, 2008;

WHEREAS, Judge Fogel will not be able to set a discovery schedule in this matter until the parties' discovery dispute is resolved;

WHEREAS, Local Rule 16-2 (e) permits parties to seek relief from the Court's case management schedule by stipulating to change the date of any case management conference;

THEREFORE, the parties, through their counsel of record, hereby STIPULATE to reschedule the next Case Management Conference, currently set for June 13, 2008, to July 18, 2008.

1 IT IS SO STIPULATED.

2 DATED: April 30, 2008

SANFORD WITTELS & HEISLER, LLP  
LAW OFFICES OF GRANT E. MORRIS  
LITTON & GEONETTA, LLP

5 By: \_\_\_\_\_ /s/ David Sanford  
6 David Sanford

7 Attorneys for Plaintiffs

8  
9  
10 DATED: April 30, 2008

DLA PIPER US LLP

11 SEVERSON & WERSON  
12 A Professional Corporation

13 By: \_\_\_\_\_ /s/ Rhonda L. Nelson  
14 Rhonda L. Nelson

15 Attorneys for Defendant

16  
17  
18 **ORDER**

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20  
21 Dated: \_\_\_\_\_, 2008

22 By:



Hon. Jeremy Fogel  
U.S. District Court Judge

23  
24  
25  
26  
27  
28